

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Criminal and Civil Justice Appropriations Committee

BILL: CS/SB 1792

INTRODUCER: Criminal and Civil Justice Appropriations Committee and Senator Crist

SUBJECT: Criminal History Record Fee Increase

DATE: April 2, 2008

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Garner	Sadberry	JA	Fav/CS
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

**Please see Section VIII. for Additional Information:**

- |                              |                                     |   |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes        |
| B. AMENDMENTS.....           | <input type="checkbox"/>            | Technical amendments were recommended   |
|                              | <input type="checkbox"/>            | Amendments were recommended             |
|                              | <input type="checkbox"/>            | Significant amendments were recommended |

**I. Summary:**

This bill increases fees for criminal history background checks by the Florida Department of Law Enforcement. The current fee is \$23 for each records check with the exception of background checks for vendors of the Department of Children and Family Services (DCF), Department of Elder Affairs (DEA), Department of Juvenile Justice (DJJ), specific checks for the Department of Agriculture and Consumer Services (DACS), and summer camps. The new fee structure will increase the fee by \$2 to \$25 for the dissemination of criminal justice information and is estimated to generate an additional \$3,500,000 in fee revenues. This bill will also allow the department to apply the revenue generated from this fee to any legislatively approved department purpose rather than strictly toward the cost of providing the service.

**II. Present Situation:**

Under s. 943.053, F.S., FDLE is charged with maintaining Florida's criminal history database and system and making the law enforcement and public records versions of those criminal histories available to those seeking them. Under current s. 943.053(3), F.S., criminal history information is provided to private sector and noncriminal justice agencies upon tender of fees as established in statute. Such fees are to offset the cost of producing the record information,

including the total cost of creating, storing, maintaining, updating, retrieving, improving, and providing criminal history information in a centralized, automated database, including personnel, technology, and infrastructure expenses. Currently, the legislature has set the fee at \$23 and has determined the allocation of trust funded dollars that are received.

### **III. Effect of Proposed Changes:**

Any increase provided by the revised criminal history fees under s. 943.053, F.S., is intended to cover increased expenses of managing the state's criminal history information system, which is intended to be self-funded via fees. There will be no net impact on the operational expenditures in the department. This bill proposes an increase in the fee for criminal history background checks from \$23 to \$25 per criminal history requested obtain information without change under the proposed law. The Department of Children and Family Services (DCF), Department of Elder Affairs (DEA), Department of Juvenile Justice (DJJ), Department of Agriculture and Consumer Services (DACS), and summer camps are exempted from this increase. This would generate an additional \$3,500,000 in fee revenues. It will also allow the department to apply the revenue generated from this fee to any legislatively approved department purpose rather than strictly toward the cost of providing the service which is consistent with the current practice of the legislature.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

#### **B. Public Records/Open Meetings Issues:**

None.

#### **C. Trust Funds Restrictions:**

None.

### **V. Fiscal Impact Statement:**

#### **A. Tax/Fee Issues:**

None.

#### **B. Private Sector Impact:**

None.

C. Government Sector Impact:

The department will be permitted to increase the fee by \$2 and apply the revenue generated by the fee to any legislatively approved department purpose. The fee increase is estimated to generate an additional \$3,500,000 in fee revenues.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Criminal and Civil Justice Appropriations on April 2, 2008:**

This bill increases fees for the criminal history background checks from \$23.00 to \$25.00, creating a \$3,500,000 increase in fee revenues. This fee does not apply to the vendors of the Department of Children and Family Services, Department of Elder Affairs, Department of Juvenile Justice, specified checks for the Department of Agriculture and Consumer Services, and summer camps due to the fact that they are assessed a separate fee that will not be increased.

B. Amendments:

None.